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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/403,938	01/20/2000	HEIKO DASSOW	2345/101	7873
26646 7590 02/26/2010 KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004				
EXAMINER BOUTAH, ALINA A				
ART UNIT 2443		PAPER NUMBER		
MAIL DATE 02/26/2010		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/403,938

Applicant(s)

DASSOW ET AL.

Examiner

ALINA N. BOUTAH

Art Unit

2443

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/4/09.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12, 15-23 and 25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12, 15-22, 23 and 25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C2)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

This action is in response to Applicant's amendment filed November 4, 2009.

Claims 13, 14 and 24 have been cancelled. Claims 12, 15-22, 23 and 25 are pending in the present application.

Claim Objections

Claims 15 and 16 now depend on claim 12. The objection is withdrawn.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 12, 15-23 and 25 that were rejected under 35 U.S.C. 101 have been amended. The rejection is now withdrawn.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12, 15-17, 20 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 5,278,955 issued to Forte et al. (hereinafter referred to as Forte) in view of USPN 5,966,663 issued to Gleason.

Regarding claim 12, Forte teaches a method for transmitting information, comprising the steps of:

using a data structure that is defined by a formal language called Abstract Syntax Notation One (col. 8, lines 9-12 and lines 59-60; col. 10, lines 5-10); transmitting the information encoded as plain text (figure 8; col. 9, lines 19-63); and transmitting a designation of a data type with each piece of the transmitted information, the designation of the data type being defined by the formal language called Abstract Syntax Notation One (col. 8, lines 9-12 and lines 59-60; col. 10, lines 5-10).

However, Forte does not explicitly teach wherein the encoded text is decodable without accessing a reference to an internal Abstract Syntax Notation One definition.

In an analogous art, Gleason teaches an encoded text being decodable without accessing a reference to an internal Abstract Syntax Notation One definition (col. 22, lines 16-31). At the time the invention was made, one of ordinary skill in the art would have been motivated to decode text without accessing a reference to an internal Abstract Syntax Notation One definition because this mechanism is well known, easily implemented, and inexpensive (col. 22, lines 25-29).

Regarding claim 15, Forte teaches the method according to claim 12, wherein the step of transmitting the designation includes the steps of placing the designation in front of each piece of the transmitted information and separating the designation from each piece of the transmitted information by a predefined separator character (col. 11, lines 11-18).

Regarding claim 16, Forte teaches the method according to claim 15, wherein the step of separating the designation includes the step of separating the designation from each piece of the transmitted information by an equal sign (col. 11, lines 18, 23-24 and 28-29).

Regarding claim 17, Forte teaches the method according to claim 12, further comprising the step of: outputting a form of the encoded information by using a standard, readily available output facility (col. 2, lines 4-36).

Regarding claim 20, Forte teaches the method according to claim 12, further comprising the step of: creating an e-mail interface for transmitting the text-encoded information (figure 8A).

Regarding claim 22, Forte teaches the method according to claim 12, further comprising the steps of: automatically encoding and sending management information

(col. 8, lines 59-60); and automatically receiving and decoding the management information (col. 12, lines 16-35).

Claims 18, 19 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Forte in view of Gleason, in further view of Goumillou (U.S. Patent No. 5,836,008).

In considering claim 18 and 19, while Forte discloses the system substantially as claimed Forte does not disclose transmitting encoded information between a subscriber and a public telecommunications network, wherein the encoded information relates to management of public telecommunication networks and is transmitted via Common Management Information Protocol. Nonetheless, information transmission of telecommunications networks based on CMIP is well known as evidenced by Goumillou. In similar art, Goumillou discloses a system for transmitting information between a source and a receiver via a network connected to telecommunications equipment. Goumillou also discloses wherein the telecommunications equipment comprises for the internal transmission of management messages communication means based upon the Common Management Information Protocol (CMP). Thus a person having ordinary skill in the art would have recognized the desirability of including the information transmission based on the CMP in the telecommunication networks because the protocol governs the information management of telecommunications equipment. Therefore, the aforementioned limitation would have been an obvious modification to the system disclosed by Forte.

Claim 23 has substantially the same limitation as those in claims 12, 19 and 20, therefore rejected under the same rationale.

Claim 24 has substantially the same limitation as those in claims 12, 19 and 20, therefore rejected under the same rationale.

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Forte in view of Gleason, in further view of Rigori (U.S. Patent No. 5,892,930).

In considering claim 21, Rigori further discloses the method further comprising the step of using encoding tables, the encoding tables being adaptable to character sets of transmitting systems (col. 5. lines 7-10).

Response to Arguments

Applicant's arguments have been considered but are not found persuasive.

In response to Applicant's argument that Forte and Gleason do not teach the present invention, the PTO respectfully disagrees and submits that Forte and Gleason combined, does teach the claimed invention as cited above.

In response to Applicant's argument that Forte and Gleason references do not teach using an ASN.1 data structure, and via encoded text, and then read such text without accessing any internal definitions, the PTO respectfully disagrees and submits

that this is taught by Forte combined with Gleason as cited above. For example, Forte teaches using an ASN.1 data structure, and via encoded text in col. 8, lines 9-11 and lines 59-60, which recites "block 102 indicates the conversion from ASCII text to abstract syntext notation version 1 ASN.1 protocol data units and further submits this data to message transfer agent 24."

In an analogous art, Gleason teaches "the encoded text being decodable without access to an internal Abstract Syntax Notation One definition," see col. 22, lines 23-26 which discloses that "all that is needed is a relatively simple ASCII character-to-binary symbol encoding at the send end and a binary symbol decoder-to-ASCII character decoding at the receiving end." The fact that the character can be decoded simply by using decoder-to-ASCII implies that it does not need to access Abstract Syntax Notation One definition as claimed.

The rest of the claims depend directly or indirectly from claim 12, therefore are rejected as being dependent on rejected claim.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALINA N. BOUTAH whose telephone number is (571)272-3908. The examiner can normally be reached on Monday-Friday (9:00 am - 5:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tonia L.M. Dollinger can be reached on 571-272-4170. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 09/403,938
Art Unit: 2443

Page 9

/Alina N Boutah/
Primary Examiner, Art Unit 2443